

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER LITIGATION

Case No. 18-md-02843-VC (JSC)

**DISCOVERY ORDER NO. 2**

This document relates to:  
  
ALL ACTIONS

This MDL matter has been assigned to this Court for management of discovery. As discussed at the discovery status conference held on May 1, 2020, the Court orders as follows:

- 1. Rule 502 Stipulation.** The parties shall file their Rule 502 stipulation, in accordance with the Court's direction at the status conference, on or before May 4, 2020.
- 2. Custodians to be Searched.** On or before May 5, 2020, Plaintiffs shall provide Defendant with their list of custodians to be searched in addition to the 65 proposed by Defendant. The list must have fewer than 58 individuals, and must come from the 66 persons discussed at the status conference. Also on or before May 5, 2020, Plaintiffs will identify the persons in the PWC Reports (by page number and paragraph and job title) that they believe may be appropriate custodians. Also, by May 5, Defendant will advise Plaintiffs if they have located a list of persons PWC interviewed. The parties shall meet and confer on the schedule and via the process previously ordered by the Court, shall submit their stipulation of custodians to be searched on or before May 12, 2020. If they cannot agree by that date, then they shall submit a joint discovery dispute letter by noon on May 14, 2020 regarding the dispute. The schedule for drafting the letter is as follows. On or before 5:00 p.m. on May 12, 2020, Plaintiffs shall provide Defendant with their portion of the letter, Defendant shall provide Plaintiffs with their response by 5:00 p.m. on

May 13, 2020, and Plaintiffs shall file the letter by noon on May 14, 2020, including any reply at the end of the letter. Each party's portion of the letter brief shall not exceed 10 pages, but the Court has limited time to review the submissions so less is more. As the letter portions are exchanged, the parties are encouraged to continue to negotiate their own resolution to any dispute.

**3. ESI Discussions.** Defendant shall have someone from within Facebook available to consult with in real time during any discussions regarding Facebook's ESI's systems.

**4. Meet and Confer Sessions.** The parties shall meet and confer by video, and shall plan on doing so at least on Monday, Wednesday, and Friday unless they agree fewer meetings are necessary. Plaintiffs are responsible for scheduling the first meet and confer, Defendant the second, and shall thereafter take turns with respect to scheduling. All sessions must be by video, if available.

**5. Next Status Conference.** The next status conference shall be May 15 at 9:00 a.m. The parties shall submit a joint status update by noon the day before the conference. The joint submission shall update the Court on the status of the tasks the Court ordered the parties to complete at the last status conference, as well as identify the tasks that should be performed during the next two weeks. The parties shall exchange their portions of the joint submissions by noon two days before the status conference and then meet and confer by video no later than 9:00 a.m. on the date the joint submission is due and then revise their respective portions accordingly such that a joint submission is filed by noon the day before the status conference. Each party's portion of the joint submission shall not exceed four pages with no more than 10 pages of attachments (if any).

**IT IS SO ORDERED.**

Dated: May 1, 2020

  
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge